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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

LEE, TIMOTHY L

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/528,822

Applicant(s)

KIKUTA, RUMIKO

Examiner

Timothy Lee

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2697

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: there is no antecedent basis for "said second routing unit". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. (US 6,519,636) in view of De Prycker et al. (US 5,027,351).

4

3. Regarding claims 1 and 8, Engel et al. discloses a computer connected to one or more networks through appropriate network interfaces—this computer is used to classify, manipulate, and/or control communications. As shown in Fig. 2, client 160D can include a smart cellular/desktop phone, and the network 130 could be any packet switched network such as the public Internet (an Internet telephone system having an Internet network for transferring voice in the form of a voice packet). See col. 6, lines 15-43. Other "Internet Media" can include images, animation, music, text, pictures, and data, and there are known processes defined by standards like IP, UDP, TCP, and RTP protocols that can augment the packets with the necessary information so that they travel over the packet-switching network to their destination. (transferring data in the form of data packets which are transmitted from a data communications

Art Unit: 2697

terminal). See col. 1, lines 35-50. The network includes access points 140 and routers 110 (a first routing unit for routing). The network also includes a network server 170 that includes such mechanisms as controlling the size of the packets sent to the network and controlling the size at which data is passed to the application (a maximum length of each of the data packets transferred via said Internet network; restricting the maximum length of the data to the predetermined limit value). See col. 7, lines 1-13. As an example, control parameters as shown in Fig. 7 apply a rule that guarantees that the maximum packet size does not exceed 512. See col. 9, line 34-43. These parameters can change based on the implementation of a new set of rules. The rules set exists inside of the network server 170, and the rule types can apply on the sending side, controlling packet sent to the network, and on the receiving side, controlling how packets/data is delivered to the application. See col. 7, line 5-26. Rules can change based on trigger events. Trigger events can include an event that causes an attempt to send data to the network. See col. 10, line 65-col. 8, line 8. The bandwidth can change during the transmission and the rule can be updated by triggering a modify rule event. See col. 11, lines 24-26. As an example, Engel et al. discloses that if the server realizes that the bandwidth constraints have disappeared (e.g. the client has terminated a voice over IP call with a peer) the rules pertaining to the client can be deleted using a trigger event. Of course, if the system can use a trigger even in the event a call ending, it had to have been able to trigger an event in the first place when the call was initiated (a first detecting unit for detecting a transition of a call-out state of the voice terminal). See col. 18, lines 59-64. Engel et al. does not expressly disclose having a packet-assembling unit assemble a control packet to be sent to the router to inform it to restrict packets that are over a certain length. De Prycker et al. discloses sending a control packet that has been assembled by a packet processing

Art Unit: 2697

circuit. Based on a received value, the first packet processing circuit creates a control packet and passes this packet to the a different packet processing circuit, which transfers the control information contained in the packet onto the computer. See col. 3, lines 60-68. It would have been obvious to a person of ordinary skill in the art at the time of the invention to have the network server send an information packet to the first router to notify it not to pass through any packets over a certain length, instead of having the server do all of these functions itself. One of ordinary skill in the art would have been motivated to do this because the size of the packet is just being limited at a different point in the network as disclosed in Engel et al.. Using the rules and the trigger events, the server could very easily send out a control packet to the first router to inform it to not to pass through packets over a certain length, instead of just having the packets restricted when they are initially sent. The same concept of maintaining flow for real-time traffic is disclosed in Engel et al., only it is implemented at a slightly different point of the network.

⁵
A. Regarding claim 2, Engel et al. discloses the existence of many routing devices 110 through the network 130. One of these routers could certainly act as a second routing device that routes voice packets while only data packets travel to the first router, depending on destination address. See Fig. 2.

⁶
B. Regarding claims 4, 5, 10, and 11, some detecting mechanism exists in order to see when a user has ended a voice over IP call as mentioned previously. See col. 18, lines 59-64. Also, Engel et al. discloses this is done so that bandwidth constraints can be removed, and one of the ways of increasing bandwidth back to original levels would be to increase the maximum packet length back to pre-call levels.

Art Unit: 2697

⁷
~~6~~. Regarding claim 6, if voice over IP is used, then an IP protocol is in place, so an Internet Protocol packet must be used.

⁸
~~7~~. Regarding claim 7, Engel et al. discloses that the source computer can transform the continuous voice analog signals into a series of discrete digitally compressed packets (packet assembling unit are provided in a gateway for converting the voice information transmitted from said voice communications terminal into a packet in accordance to IP). Engel et al. does not expressly disclose having both a first and second routing unit in one router for routing IP packets, but it would have been obvious to include two routing units in one router. One of ordinary skill in the art would have been motivated to do this because having a second routing unit would provide redundancy in the situation that a first routing unit fails.

⁹
~~8~~. Regarding claim 9, Engel et al. discloses that it is possible to give priority to certain data flows if you use a wildcard character in the unknown value. Using this for the voice packets, they can be given preferential routing treatment (preferentially routing the voice packet). See col. 20, lines 14-29.

¹⁰
~~9~~. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Engel et al. in view of Kikinis (US 6,289,389). Engel et al. does not expressly disclose fragmenting data when the length exceeds a certain value. Kikinis discloses dividing non-real time packets if they are too large as to not disrupt the video stream during transmission. See col. 7, lines 47-65. It would have been obvious to a person of ordinary skill in the art at the time of the invention to fragment packets if they exceed the maximum limit. One of ordinary skill in the art would have been motivated to do this because this way, the real-time data can be sent without large non-real time packets holding up the resources and flow of packets.

Conclusion

11
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Post et al. (US 6,021,440), Mahler et al. (US 6,542,504), and Chapman et al. (US 6,023,456) disclose transmission techniques that involve limiting packet size.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (703)305-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9420 for regular communications and (703)746-9420 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

TLL
April 18, 2003


RICKY NGO
PRIMARY EXAMINER